

# EXHIBIT B



# Danish Weekly Law Report 1991

U.1991.725/1

## Judgment by the Western High Court of 6 June 1991 in appeal case 7-B. 1451/1989

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Page no.: 725

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(Juul-Olsen, Marie S. Mikkelsen, Poul Søgård (acting judge)). A (none) vs. the death estate of B administered by the court represented by the Probate Court in Esbjerg (legal counsel Ignaz Tulinius, Esbjerg)

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### **Service of document pursuant to section 163(2) of the Danish Administration of Justice Act or the analogy of this provision.**

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Pursuant to section 163(2) of the Administration of Justice Act, service of a document is deemed to have taken place, when the document to be served has been received by the person concerned. Having taken the measures provided for, service was deemed to have taken place pursuant to this provision or its analogy.

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### **The Western High Court**

The contested statement of the estate's assets and liabilities was upheld by the Probate Court in Esbjerg on 16 May 1989.

The appellant, A, failed to appear before the High Court.

The respondents, the death estate of B administered by the court represented by the Probate Court in Esbjerg and C, have filed a claim for dismissal.

The summoning of the appellant to the trial has been attempted in vain both by way of service by mail and by way of service by writ server, where the High Court in letters of 6 March, 4 April and 17 May 1991 notified the appellant of the date and time of the trial. The High Court's letters were sent as ordinary letters to the private address provided by the appellant. Furthermore, by making telephone calls on 28 May, 30 May, 31 May and 3 June 1991, the High Court attempted in vain to get in touch with the appellant on the appellant's private address. During these telephone calls, the appellant's spouse or cohabitant was requested to arrange for the appellant to forward confirmation of receipt of the High Court's letters; however, this never happened. Finally, on 3 June 1991, the High Court sent a

**TRANSLATION**

letter by telefax with details of date and time of the trial to a telefax number previously used by the appellant. - - -

The High Court finds it unobjectionable to regard service as having taken place pursuant to section 163(2) of the Administration of Justice Act or the analogy of this provision. Accordingly, seeing that the appellant failed to appear at the trial without providing notice of valid excuse, the Court allows the respondents' claim for dismissal. - - -



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## V.L.D. 6. juni 1991 i anke 7-B. 1451/1989

**Sidetæl:** 725

(Juul-Olsen, Marie S. Mikkelsen, Poul Søgaard (kst.)). A (ingen) mod *Det offentlig skiftede dødsbo efter B v/ skifteretten i Esbjerg* (adv. Ignaz Tulinius, Esbjerg)

**Forkyndelse anset sket efter rpl. § 163, stk. 2, eller denne bestemmelses analogi.**

Efter rpl. § 163, stk. 2, anses forkyndelse sket, når det dokument, der skal forkyndes, er kommet vedkommende i hænde. Ved de foretagne skridt ansås forkyndelse sket efter denne bestemmelse eller dens analogi.

### Vestre Landsret

Den indankede boopgørelse er stadfæstet den 16. maj 1989 af skifteretten i Esbjerg.

For landsretten har appellanten A ikke givet møde.

De indstævnte, Det offentlig skiftende dødsbo efter B v/ skifteretten i Esbjerg og C, har påstået afvisning.

Indkaldelse af appellanten til domsforhandlingen har forgæves været forsøgt ved såvel postforkyndelse som stævningsmandsforkyndelse, hvorefter landsretten ved skrivelser af 6. marts, 4. april og 17. maj 1991 har givet appellanten meddelelse om tidspunktet for domsforhandlingen. Landsrettens skrivelser er sendt ved almindelige breve til den af appellanten opgivne private adresse. Herudover har landsretten ved telefoniske henvendelser den 28. maj, 30. maj, 31. maj og 3. juni 1991 forgæves forsøgt at træffe appellanten på dennes private adresse. Under telefonsamtalerne er appellants ægtefælle eller samleverske blevet anmodet om at foranledige appellanten til at sende en bekræftelse på modtagelsen af landsrettens breve, hvilket imidlertid ikke er sket. Endelig har landsretten den 3. juni 1991 sendt et brev pr. telefax med angivelse af tidspunkt for domsforhandlingen til et af appellanten tidligere benyttet telefaxnummer. - - -

Landsretten finder det ubetænkeligt at anse forkyndelse for sket i medfør af retsplejelovens § 163, stk. 2, eller denne bestemmelses analogi. Da appellanten herefter er udeblevet fra domsforhandlingen uden oplyst lovligt

forfald, tages de indstævntes afvisningspåstand til følge. - - -



I, Lene Tønnesen, hereby certify that the attached document, translated from Danish to English, to the best of my knowledge and belief, is a true, accurate, and complete translation of the following document:

- V.L.D. 6. juni 1991 i anke 7-B. 1451/1989.

4 August 2021